

## **CIVIL INVOLUNTARY DETENTION**

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For some persons, mental illness leaves them unable to make decisions about caring for their basic human needs such as food, shelter, and medical care. A few people who are experiencing mental illnesses may be in danger of hurting themselves or others. This can be a very confusing and frightening experience for them as well as for their families and friends. With appropriate evaluation, treatment, and continued care, most people with mental illness can return to their normal lives.

Similarly, individuals who are abusing alcohol or drugs may be unable to make decisions about caring for their basic human needs such as food, shelter, and medical care. Alcohol or drug abuse may also place a person in danger of hurting themselves or others.

As with most types of medical evaluation and treatment, people may decide to participate voluntarily, may refuse to participate or may choose alternatives to the recommendations.

For some people, the symptoms of a mental illness or the effects of alcohol or drug abuse compromise their cognitive or reasoning ability, and they are left unable to understand sufficient information to make decisions about necessary and appropriate medical treatment.

Missouri state regulations, [Chapter 632 RSMo.](#), provide the statutory authority to require involuntary treatment under certain conditions with appropriate due process. This process is called Civil Involuntary Detention.

### **Who can initiate a Civil Involuntary Detention?**

Any adult person may file an application for detention, evaluation, and treatment with the probate division of the circuit court where the person may be found.

Law Enforcement personnel, under their police power authority, may detain a person believed to be imminently harmful due to a mental disorder or alcohol or drug abuse and transport the person to an appropriate facility for evaluation for admission.

Staff of the [Access Crisis Intervention \(ACI\)](#) system, the 24-hour crisis hotline, can also assist with the civil involuntary detention process. By calling the toll-free 24-hour ACI crisis number, the caller will be able to speak to a mental health worker who will evaluate the current situation and assist with the appropriate response.

Facilities that are recognized by the Department of Mental Health to provide civil involuntary detention services have mental health professionals who are designated and approved to initiate on-site civil involuntary detention for individuals in need of emergency evaluation and treatment. These professionals may be psychiatrists, licensed physicians, psychiatric residents, psychologists, nurses or social workers or a qualified substance abuse counselor.

### **If the situation is an emergency, what do I do?**

- If possible and safe to do so, get the person to the emergency room of a hospital that treats persons with mental illnesses.
- If the person is currently receiving mental health treatment, call the person responsible for the treatment and that person should provide you with an emergency plan. If so, follow the plan.
- Call the police or sheriff; tell them about the situation and explain why it is an emergency. Remember, law enforcement officers may have to observe the person's dangerous behavior before taking them into custody and transporting them to a mental health facility.

### **If the situation is not an immediate emergency, what do I do?**

- If the person is currently receiving mental health treatment, call the person responsible for the treatment. That person should assist you.
- If the person is known to the probate court due to other similar situations, go to the court and ask to complete an application for detention, evaluation, and treatment. The judge may informally consider your application or, if more information is needed, you may be referred to the Access Crisis Intervention (ACI) system for additional assistance.
- Call the toll-free 24-hour [Access Crisis Intervention \(ACI\) 24-hour crisis hotline](#). You will be able to speak to a mental health worker who will evaluate the current situation and assist you with the appropriate response.

## **How long will a person be detained, evaluated and treated?**

The initial period is for up to 96 hours, excluding weekends and certain holidays. After the initial period, the person's treating physician will decide if further detention, evaluation, and treatment are needed. If so, the treating psychiatrist may initiate a court hearing for the appropriate time frame, 21 days, 90 days, or one year for mental health treatment and 30 or 90 days for alcohol or drug treatment.

## **What happens in court?**

If an application for 96 hours is presented to the Probate Division of the Circuit Court, the judge will decide whether to order the person detained, evaluated, and treated in an appropriate facility for up to 96 hours.

If a petition is filed for commitment beyond the initial 96-hour period, a formal hearing will be held in the court to hear facts supporting the petition. During this hearing the person against whom the petition is filed will be represented by an attorney; if the person cannot afford an attorney, the court will appoint one. The judge will hear the evidence and make the final decision as to whether the person will be committed for an additional period.

## **Will I be asked to testify in court?**

If you have observed recent behavior of a person that supports the allegation in the petition, you will usually be asked to testify. Sometimes family members or friends are the only persons who have witnessed harmful behavior.

## **Does Missouri have an outpatient commitment law?**

Missouri has provisions for conditionally releasing a person from a mental health facility to outpatient treatment. These statutory provisions allow for a mental health facility to set conditions for a person's release and provides authority to return a person to a mental health facility if the conditions are not met.

## **Do Missouri statutes include "gravely disabled" criteria?**

Yes. The criteria that a person must be mentally disordered and, as a result, present harm to self or others includes a standard that a person may be harmful if, as a result of an impairment, he or she is unable to

make decisions regarding hospitalization or treatment as evidenced by not providing for basic necessities of food, clothing, shelter, safety, or medical care.

**Are there any other laws that can be used to help persons who are incapacitated by mental illness?**

Yes. If a person continues to be unable to make basic decisions because of an impairment, guardianship should be considered. This legal process places the personal decision making in the hands of another person who is legally able to authorize needed services. This law has provisions for limited guardianship that allows the guardian to only have decision-making powers under certain conditions.

**Does a person have to be homicidal or suicidal before he or she is able to be civilly detained?**

No. Verbal threats to do harm are sufficient, or even placing a person in fear of harm is sufficient. The standard is "a likelihood of serious physical harm to self or others." Past patterns of behavior that have historically have resulted in harm may also be considered.